EXHIBIT 5

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1   UNITED STATES DISTRICT COURT

2   SOUTHERN DISTRICT OF NEW YORK

3   _____
)
4   E. JEAN CARROLL,   )CASE NO.:
)
5   Plaintiff,   )20-Civ-7311
)(LAK)(JLC)
6   v.   )
)
7   DONALD J. TRUMP, in his personal)
     capacity,   )
8   )
                         Defendant.   )
9   _____)

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14   DEPOSITION OF ROBERT FISHER

15   VOLUME II

16   REMOTELY IN LOS ANGELES, CALIFORNIA

17   TUESDAY, DECEMBER 20, 2022

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24   REPORTED BY: NATALIE PARVIZI-AZAD, CSR, RPR, RSR
                    CSR NO. 14125
25   JOB NO.:   220862

1   A.   No.   This is a blueprint to work from in

2   the future.

3   Q.   And do you follow any sort of

4   peer-reviewed methodology for tracking dissemination

5   in print news sources?

6   A.   Again, premature.

7   Q.   So is the answer -- at the time of

8   authoring the report --

9   A.   Yes.

10   Q.   -- you don't follow any particular

11   peer-reviewed methodology for print news sources?

12   A.   Yes. And I'm going go beyond yes. I'm

13   going to be clear here because I think the questions

14   you're asking are the same. What I do -- what I've

15   done is laid out a plan featuring tried and true

16   things that have been done over the years to address

17   a problem of reputation harm. I don't get into the

18   weeds or the details at this point in time. I'm

19   just setting a blueprint of what needs to be done

20   for a successful program, the implementation, which

21   all these things you're bring up would be part of

22   the implementation, would be at the time or just

23   before the program would start.

24   Q.   And you refer to tried and true things

25   that have been done over the years.

1   A.   Yes.

2   Q.   Tried and true in what way?

3   A.   Well, I mean, these are things -- these

4 are actions, activities, strategies, concepts,

5 whatever, that have been proven to be effective in

6 repairing reputation damage.

7   Q.   And proven in what context?   In

8 peer-reviewed studies?

9   (Whereupon Roberta Kaplan joined the

10 proceedings via Zoom.)

11   A.   Not peer review, no.   In actually doing

12 it.   Let me just be crystal clear.   I've been doing

13 reputation repair programs for 50 years, long before

14 the internet came around.   The internet is a nice

15 bonus to help, but it's -- unlike Professor

16 Humphreys thinks that no programs existed before the

17 internet.   No, the bottom line is this is not peer

18 reviews, this is not textbooks.   This is having

19 boots on the ground, being in the field, and doing

20 these programs, and seeing what works and doesn't

21 work.

22   Q.   And is it -- so is it fair to say you

23 don't consider peer review, sort of, a necessary

24 aspect of your work as an expert?

25   A.   I don't need peer review.   They would

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1   be reviewing -- you know, I'd be reviewing them, not

2   vice versa.

3   Q.   Okay. And -- and so we were talking just

4   now about whether or not you had any methodology for

5   tracking -- sort of quantifying dissemination in

6   print news, and I take it that the answer is no;

7   correct?

8   A.   No, it's not at this point.

9   Q.   Okay.

10   A.   It would be done but not at this point.

11   Q.   Understood. But at the time you prepare

12   an expert report, you don't use any particular

13   methodology to quantify dissemination?

14   A.   It's premature.

15   Q.   So just so I can get an answer, but at the

16   time, you -- I understand you think it's premature,

17   but at the time of drafting an expert report, you

18   don't quantify the dissemination in print news?

19   A.   No.

20   Q.   Okay. And then turning to online news

21   sources, do you follow any particular methodology to

22   quantify dissemination of online -- defamatory

23   statements in online news sources?

24   A.   Not at this point.

25   Q.   And at this point, you mean at the point

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1   Q.   And do you ever look at the readership

2   data associated with the specific online news

3   sources?

4   A.   No.

5   Q.   And do you know what a bounce rate is?

6   A.   Yes.

7   Q.   What's a bounce rate?

8   A.   Well, bounce rate is how many times

9   somebody goes on your website and actually sees

10   content as opposed to moving on.

11   Q.   And do you account for a bounce rate in

12   part of your analysis of the dissemination of online

13   news?

14   A.   That's something that I may or may not

15   factor in.

16   Q.   What -- what data do you use as your

17   source for specifying the bounce rate?

18   A.   Well, I haven't -- I don't get into it

19   that specifically.

20   Q.   Do you know any of the specific data

21   sources that experts use for bounce rates?

22   A.   Not particularly.

23   Q.   And has your methodology for tracking

24   dissemination in online news been subject to any

25   form of peer review?

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1   A.   Not that I know of but they may exist.

2   Q.   Have you ever seen it in any peer-reviewed

3   literature?

4   A.   No. I haven't looked for it.

5   Q.   And do you -- turning to television, do

6   you follow any particular methodology to quantify

7   the dissemination of allegedly defamatory statements

8   through television?

9   A.   No.

10   Q.   And is there particular data sets that you

11   consult to measure the viewership of individual

12   television programs?

13   A.   No.

14   Q.   And has your methodology for tracking

15   dissemination of allegedly defamatory information on

16   television been subject to any peer review?

17   A.   No. As I say, I'm not the one that would

18   be doing this. So you can keep asking and I'll keep

19   saying no.

20   Q.   Understood. And do you follow any

21   particular methodology to quantify the dissemination

22   of allegedly defamatory statements on Twitter?

23   A.   No.

24   Q.   And is there any data that you've

25   consulted to measure the level of engagement with